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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 LUCY T. GESUNDHEIT,

11 Plaintiff,

Case No.: 2:18-cv-00861-RFB-GWF

12 vs.

13  
14 SMITH'S FOOD AND DRUG CENTERS,  
15 INC., a foreign corporation, DOES I through X;  
16 and ROE CORPORATIONS I through X,  
inclusive,

17 Defendants.

18  
19 **STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES**  
20 **(First Request)**

21 COMES NOW, Plaintiff, LUCY T. GESUNDHEIT, by and through her counsel of record,  
22 MICHAEL D. HAIGHT, ESQ. and SHAWN L. WALKENSHAW, ESQ. of the law firm of  
23 HENNESS & HAIGHT and Defendant, SMITH'S FOOD AND DRUG CENTERS, INC., by and  
24 through its counsel of record, JERRY S. BUSBY, ESQ. and GREGORY A. KRAEMER, ESQ., of  
25 the law firm of COOPER LEVENSON, PA, and submit the following stipulation and order to  
26 extend discovery deadlines pursuant to LR 26-4 as follows:  
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1       **1. Summary of Discovery Completed**

- 2           1. The parties have provided initial witness lists and documents pursuant to FRCP 26 and  
3           supplements thereto.  
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5           2. Plaintiff has served written discovery in the form of Interrogatories and Requests for  
6           Production of Documents upon Defendant.  
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8           3. Defendant has served Interrogatories, Requests for Production of Documents and  
9           Requests for Admissions upon Plaintiff.

10       **2. Discovery Remaining**

- 11           1. Expert and Rebuttal Expert disclosures;  
12           2. Deposition of Plaintiff;  
13           3. Deposition of FRCP 30(b)(6) witnesses;  
14           4. Deposition of expert witnesses and treating physicians;  
15           5. Deposition of fact witnesses

16       **3. Reason Why Discovery Was Not Completed**

17           Discovery in this matter is currently scheduled to close on November 12, 2018. Additional  
18           time is needed to allow for further analysis of the digital evidence in this matter. As reflected in  
19           previously filed briefing in this matter, the parties disagree as to what the video evidence of the  
20           subject incident reflects. Plaintiff has been diligently working to identify a third party who has  
21           the ability to analyze such evidence and provide clarification and believes she has now located  
22           such a third party. Once this discovery is completed, the parties will need additional time to  
23           determine whether it is necessary to retain expert witnesses and for what purposes. The parties  
24           will then need time to allow these experts to prepare and disclose a report. Based on the  
25           foregoing, the parties believe there is good cause to extend discovery and request that the  
26           discovery deadlines be changed as proposed below.

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1       **4. Proposed Schedule for Completing Discovery**

2               Accordingly, the parties respectfully request that this Court enter an order setting the  
3 following discovery plan and scheduling order dates:

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Event	Former Deadline	New Deadline
Discovery Deadline	11/12/18	1/11/19
Motions to Amend Pleadings and Add Parties	8/14/18	10/15/18
Initial Expert Designations	9/13/18	11/12/18
Rebuttal Expert Designations	10/15/18	12/12/18
Interim Status Report	9/13/18	11/12/18
Dispositive Motions	12/12/18	2/11/19
Joint Pre-Trial Order	1/11/19	3/13/19

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11               Counsel further states that the requested extension of the discovery deadline is not intended  
12 for purposes of delay, but rather for the purposes set forth hereinabove.

13  
14 Dated this 21<sup>st</sup> day of August, 2018.

Dated this 21<sup>st</sup> day of August, 2018.

15 HENNESS & HAIGHT

COOPER LEVINSON, PA

16  
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22  
23               **ORDER**

24 **IT IS SO ORDERED.**

25   
26 **UNITED STATES MAGISTRATE JUDGE**

27  
28 **DATED: 8-22-2018**